

# Michael Faillace & Associates, P.C.

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December 28, 2020

**Via ECF**

Honorable George B. Daniels, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re:** 20-cv-05028-GBD Gomez. et al v. New Toasties Deli, Inc.

Your Honor:

This office represents Plaintiff in the above-referenced matter. We write to request permission to withdraw as attorneys for Plaintiff Juan Carlos Gomez ("Plaintiff"), pursuant to Local Civil Rule 1.4.

This request is necessary because Plaintiff has failed to cooperate with the prosecution of this matter. Specifically, this office has been attempting to secure the Plaintiff's cooperation in the preparation of a default motion to no avail. This office has attempted to reach Plaintiff by phone and text message multiple times, and have sent the Plaintiff a letter, both in English and Spanish, urging him to contact us (Exhibit "A").

To date, despite our efforts, Plaintiff has not responded and indicated whether he intends to prosecute this action. Accordingly, we see no choice but to seek to withdraw as counsel for Plaintiff. We will not be asserting a charging or retaining lien. We are serving this application, both in English and Spanish, upon Plaintiff's last known home addresses and upon the Defendants.

If the Court requires any additional information for this application, we will provide it. We thank the court for its attention to this matter.

Respectfully Submitted,

/s/ Michael Faillace

Michael Faillace

MICHAEL FAILLACE & ASSOCIATES, P.C.

Attorneys for Plaintiffs

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Cc: (Via First Class Mail)

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